

REMARKS:

In the foregoing amendments, page 3 of applicant's specification was amended by removing numeral "8." Section 1 on page 2 of the Official action included an objection to the drawings, because the reference numeral "8" discussed on page 3 in the specification is not shown in the drawings. Since reference numeral "8" no longer appears in applicant's specification, it is not necessary for it to be shown in the drawings. Therefore, applicant respectfully requests that the examiner reconsider and withdraw the objection to the drawings that was set forth in the outstanding Office action.

The Official action, in section 2 on page 2, set forth a rejection of claim 2 under 35 U.S.C. § 112, second paragraph, as being vague and indefinite. The Official action also indicated that claim 2 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph, and to include all the limitations of the base claim and any intervening claims. In the foregoing amendments, applicant rewrote claim 2 as an independent claim, including all the limitations of claim 1 from which it depended. In addition, claim 2 was amended to include the suggestions set forth by the examiner in the Official action. Additional minor editorial changes were made to the portions of claim 1 incorporated into claim 2. Since claim 2 was amended as suggested in the Official action and because claim 2 particularly points out and distinctly claims the subject matter of applicant's invention, applicant

respectfully requests that the examiner reconsider and withdraw the rejection thereof under the second paragraph of 35 U.S.C. §112. In addition, since the outstanding Office action indicated that claim 2 contain allowable subject matter, applicant respectfully requests a formal allowance of claim 2.

The Official action set forth a prior art rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by Japanese 2001-049696 (Japanese '696). Applicant respectfully submits that the presently claimed invention is patently distinguishable from the teachings of Japanese '696 within the meaning of 35 U.S.C. §102 or 35 U.S.C. §103 for at least the following reasons.

The prior art rejection is set forth in section 4 on page 3 of the Official action. The Official action referred to figures 3-6 in the present application as prior art and interpreted the rear half section of the outer side portion 26 as shown in Fig. 3 as the presently claimed rear portion of the slide door-carrying cab. Applicant respectfully submits that this interpretation is not correct. For example, applicant respectfully submits that any person skilled in the art would understand that in the arrangement shown in figure 3 of the present application item 26 is arranged on a side portion of the cab, and thus, is patently distinguishable from the presently claimed rear portion. In the foregoing amendments to claim 1, the rear portion of the construction cab was better defined to distinguish applicant's invention from the arrangements proposed in Japanese '696. For example, amended claim 1 defines, *inter alia*,

an inner side portion 13 (of the cab) and that the rear portion extends between the inner side portion and the outer side portion. New claim 3, *inter alia*, requires that the cab includes a seat, the outer side portion is arranged alongside the seat, and the rear portion of the cab is arranged behind the seat. For such reasons, applicant respectfully submits that claims 1 and 3 are patently distinguishable from the teachings of Japanese '696. Therefore, applicant respectfully requests that the examiner reconsider and withdraw the rejection of claim 1 over these teachings.

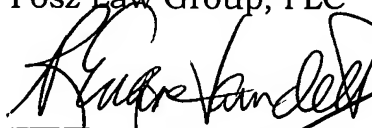
For reasons including the foregoing, applicant respectfully submits that the teachings of Japanese '696 do not disclose or suggest the invention as set forth in claims 1 and 3 within the meaning of 35 U.S.C §102(b) or 35 U.S.C §103. Accordingly, a formal allowance of claims 1-3 is respectfully requested.

While it is believed that all the pending claims in this application are in condition for allowance and that the foregoing is a complete response to the Official action mailed May 18, 2005, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolve any outstanding issues.



In the event that this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The Commissioner is hereby authorized to charge the fee therefor, as well as any deficiency in the payment of the required fee(s) or credit any overpayment, to our deposit account No. 22-0256.

Respectfully submitted,  
Posz Law Group, PLC



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